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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,666

08/14/2006

Eiji Akiyama

8074-1162

4725

466

7590

09/15/2008

YOUNG & THOMPSON

209 Madison Street

Suite 500

ALEXANDRIA, VA 22314

EXAMINER

RADEMAKER, CLAIRE L

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,666	<b>Applicant(s)</b> AKIYAMA ET AL.	
	<b>Examiner</b> CLAIRE L. RADEMAKER	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/16/2008, 6/12/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/16/2008, 6/12/2006</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed May 16, 2008 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. Specifically, a Notification of First Office Action from the Chinese Patent Office for Application 2004-8003677.3 was submitted (in Chinese and in English), but has not been listed on any IDS. However, the information disclosure statement has been placed in the application file, and the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 2 recites the limitation "the fitting part" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. For examination purposes this was interpreted as meaning to read "a fitting part."

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. (US 2003/0082416).

With regard to claims 1-14, Bullock et al. discloses a fuel cell / fuel cell device (208, paragraph [0055]; Figure 12) comprising:

a mounting part (140 & 146, paragraph [0028]; Figure 3) where a fuel cartridge (132, paragraphs [0026] & [0028]; Figure 3) filled with fuel is mounted in a detachable manner (paragraphs [0026] & [0035]),

an identification part that identifies the fuel cartridge to be mounted on said mounting part (148, 150, 152, 154, 156, & 158, paragraphs [0028] & [0030]; Figure 3), wherein said identification part includes:

a plurality of terminals (202a & 202b, paragraph [0037]; Figure 3)

which are connected with the fuel cartridge selectively and electrically

(paragraphs [0037] & [0028]) and can be located on the sides of the exterior surface of the fuel cartridge (paragraph [0037]),

a plurality of fitting parts (152, 154, 156, & 158, paragraphs [0028], [0033]-[0034]; Figure 3), where said fitting parts further comprise a detecting unit (200, 202a, & 202b, paragraphs [0028], [0033]-[0036]; Figure 3) that can detect whether the fitting part is fitted into a fuel cartridge or not (paragraphs [0028] & [0033]-[0036]),

selecting parts (148 & 150, paragraph [0028]; Figure 3) that make usable one fitting part to be selectively fitted into a specified cartridge among said plurality of fitting parts, and that can select one terminal connected electrically to a specified fuel cartridge from among said plurality of terminals (paragraphs [0028], [0037], & [0055]),

a judging part that judges the type of fuel filled in said fuel cartridge (200 & 126, paragraphs [0008] & [0039]-[0040]; Figure 3) based on the electrical connecting condition between said plurality of terminals and said fuel cartridge (paragraphs [0035]-[0036] & [0028]), and

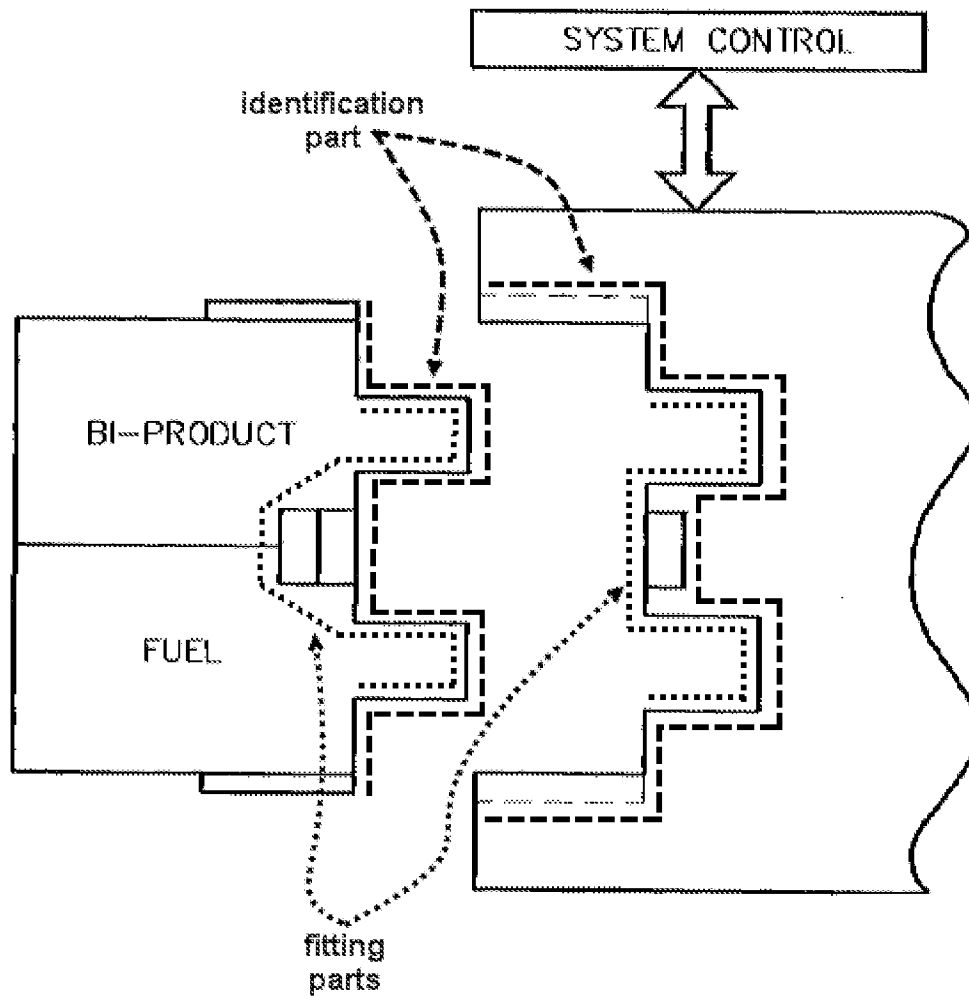
a control unit (126, paragraphs [0025], [0035]-[0036], & [0041]; Figure 3) that controls the operation condition depending on the type of fuel judged by said judging part (paragraphs [0008], [0025], [0035]-[0036], [0039]-[0040]; Figure 7),

wherein said detecting unit can work when it detects that the fitting part is fitted into the fuel cartridge (paragraph [0041]; Figure 7), and

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wherein said detecting unit can work when it detects that said terminal is electrically connected with said fuel cartridge (paragraph [0041]; Figure 7), and wherein said fuel cartridge comprises a labeled part (204, paragraph [0044]; Figure 9) that is identified by said identification part of the fuel cell (paragraph [0044]), where said labeled part can show a filled fuel (paragraph [0044]; Figure 9).

The following illustration (modified Figure 3 of Bullock et al.) is provided for clarification:



***Conclusion***

5. The prior art made of record and not relied upon which is considered pertinent to applicant's disclosure is as follows: deVos et al. (US 2005/0079128) discloses a fuel storage device comprising a fuel cartridge with connectors which mate with corresponding connectors associated with a fuel cell, where said fuel cartridge comprises a fuel label; Harris (US 2005/0260465) discloses a fuel cell system comprising a fuel cartridge where the shape of said fuel cartridge corresponds to the shape of a mounting part on an electronic device containing a fuel cell.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLAIRE L. RADEMAKER whose telephone number is (571)272-9809. The examiner can normally be reached on Monday - Friday, 8:00AM - 4:30PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. L. R./  
Examiner, Art Unit 1795

/Alexa D. Neckel/  
Supervisory Patent Examiner, Art Unit 1795